

INTERNATIONAL BOUNDARY AND WATER COMMISSION  
UNITED STATES AND MEXICO

Minute No. 279

Laredo, Texas and  
Nuevo Laredo, Tamaulipas  
August 28, 1989

JOINT MEASURES TO IMPROVE THE QUALITY  
OF THE WATERS OF THE RIO GRANDE  
AT LAREDO, TEXAS/NUEVO LAREDO, TAMAULIPAS

The Commission met in the cities of Laredo, Texas and Nuevo Laredo, Tamaulipas on August 28, 1989, to consider the border sanitation problem at Laredo, Texas and Nuevo Laredo, Tamaulipas and to recommend to the two Governments joint measures to improve the quality of the waters of the Rio Grande.

The Commission then noted the interest in concluding, a Commission agreement as early as possible, for jointly financed measures that should be adopted to improve the quality of the waters of the Rio Grande in the Laredo, Tex./Nuevo Laredo, Tam. area, expressed by the United States Secretary of State and the Mexican Secretary of Foreign Relations in their diplomatic notes No. 3522 and 2487, respectively, at the Seventh Meeting of the United States/Mexico Binational Commission in Mexico City on August 7, 1989.

The Commission referred to the last paragraph in Article No. 3 of the Water Treaty signed February 3, 1944, which stipulates that the two Governments "agree to give preferential attention to the solution of all border sanitation problems". The Commission also referred to the spirit of cooperation exhibited by the two Governments in the "Agreement Between the United States of America and the United Mexican States on Cooperation for the Protection and Improvement of the Environment in the Border Area," signed by Presidents Ronald W. Reagan and Miguel de la Madrid Hurtado on August 14, 1983.

The Commission then referred to Recommendation No. 4 of Commission Minute No. 261 dated September 24, 1979, approved by the two Governments, which stipulates, "That for each of the border sanitation problems, the Commission prepare a Minute for the approval of the two Governments, in which there would be included, identification of the problem, definition of conditions which require solution, specific quality standards that should be applied, the course of action that should be followed for its solution, and the specific time schedule for its implementation."

# INTERNATIONAL BOUNDARY AND WATER COMMISSION

UNITED STATES AND MEXICO

...2

The Commissioners also noted the provisions in Point 6 of the recommendations of Minute No. 261, "That in each case where the approved course of action provides that a border sanitation problem be jointly corrected by the two Governments, the Commission develop the plans and designs for the works necessary therefore, as well as the division of work and costs between the two countries, submit them for approval of the two Governments, and upon such approval, each Government through its Section of the Commission proceed to carry out the construction, operation and maintenance, with the greatest speed and timeliness possible."

The Commissioners reviewed the report of Principal Engineers Jose S. Valdez of the United States Section and J. Arturo Herrera Solis of the Mexican Section entitled "Joint Report of the Principal Engineers Concerning Measures that Should be Undertaken to Improve the Quality of the Waters of the Rio Grande at Laredo, Texas/Nuevo Laredo, Tamaulipas", dated August 25, 1989, which describes the border sanitation problem in the waters of the Rio Grande in the area of Laredo, Tex./Nuevo Laredo, Tam., and conditions expected in case that no corrective action of any kind is taken.

The Commissioners then noted that the Principal Engineers in their report recommend works in Nuevo Laredo, Tam. that could be jointly financed by the United States and Mexican Governments to improve the quality of the waters of the Rio Grande in this reach. The Commissioners further noted that the works recommended by the Principal Engineers for the city of Nuevo Laredo, Tam. described in Exhibit 4 of their Joint Report, consist of six principal elements: a) Construction of a riverside collector; b) Construction of the Coyote I collector as an extension of the riverside collector; c) Expansion of the sewage collection system to collect and convey to the riverside and Coyote I collectors, sewage generated in areas not currently served and which are presently discharged into the Rio Grande; d) Rehabilitation of the sewage collection system at specific points to intercept and convey to the riverside and Coyote I collectors those uncontrolled sewage flows that presently discharge into the Rio Grande through existing storm drains; e) Construction of a pumping plant that would convey the sewage from the riverside collector to a treatment plant; and f) Construction of a secondary treatment plant with an estimated capacity of 31 mgd (1,358 lps) located 7 miles (11 kilometers) downstream of the Juarez/Lincoln International Bridge.

# INTERNATIONAL BOUNDARY AND WATER COMMISSION

UNITED STATES AND MEXICO

...3

The Commissioners then joined in the conclusion of the Principal Engineers in their Report that the border sanitation problem in the vicinity of Laredo, Tex./Nuevo Laredo Tam., would be resolved, if: 1) the proposed jointly financed works consisting of the principal elements described in Exhibit 4 of the Joint Report are constructed, operated and maintained in a manner that meets the joint sanitation project conditions described in Section III, Part D, Point 1 of the Joint Report of the Principal Engineers and 2) the Governments of Mexico and of the State of Tamaulipas construct and operate and maintain those sewage management works not included in the principal elements of this joint project in a manner to also meet conditions required in the Principal Engineers' report. The Commissioners observed, that it is in the interest of both Governments to assure that the effluent standards from a treatment plant in Nuevo Laredo, Tam. are achieved by the joint financing of the construction, operation and maintenance of the six principal elements described in the Principal Engineers' report.

The Commission then noted the information of the United States Commissioner that the Government of the United States is willing and able to participate with the Government of Mexico in the construction, operation and maintenance of the six principal elements of the proposed joint sanitation project.

The Commissioners analyzed the possibility of applying to this proposed joint sanitation project the provisions in Articles 2, 3, 20, 24 and 25 of the 1944 Water Treaty and provisions in Minute No. 261 of the Commission. They also recognized that execution of the joint sanitation project, recommended by the Principal Engineers, could comply with the referenced provisions concluding that this project is of an international nature. Therefore, the construction and operation and maintenance of the six principal elements of the international joint sanitation project will be under the supervision of the Commission and under the jurisdiction of the Mexican Section.

Based on the above, the Commission agreed to submit for the approval of the two Governments, the following resolutions:

1. The report of Principal Engineers Jose S. Valdez of the United States Section and J. Arturo Herrera Solis of the Mexican Section, entitled "Joint Report of the Principal Engineers Concerning Measures that Should be

# INTERNATIONAL BOUNDARY AND WATER COMMISSION

UNITED STATES AND MEXICO

...4

Undertaken to Improve the Quality of the Waters of the Rio Grande at Laredo, Texas/Nuevo Laredo, Tamaulipas", dated August 25, 1989, which with its Exhibits 1-6 forms a part of this Minute, is approved. The report proposes a sanitation project for the City of Nuevo Laredo, Tam., to be jointly financed by the Governments of the United States and Mexico.

2. That the Commission continue its intensive water quality monitoring in the Rio Grande preparatory to recommending to the two Governments surface water quality standards that should be applied to the solution of border sanitation problems.

3. That the effluent from the proposed jointly financed wastewater treatment plant in Nuevo Laredo, Tam. meet the effluent standards described in Section III, Part B of the report of the Principal Engineers, with the understanding that each country, in accordance with its legislation, could establish more restrictive limits on discharges into the Rio Grande emanating in its respective territory.

4. That the Governments of the United States and Mexico participate in the joint financing of the construction, and operation and maintenance of the six principal elements that make up the international sanitation project, described in Exhibit 4 of the report of the Principal Engineers.

5. That in accordance with the provisions in Articles 2, 3, 20, 24 and 25 of the 1944 Water Treaty, the construction, operation and maintenance of the six principal elements of the joint international sanitation project described in Exhibit 4 of the Principal Engineers' report be considered works constructed and used in fulfillment of the provisions of the 1944 Water Treaty and are therefore, under the supervision of the Commission, and under the jurisdiction of the Mexican Section.

6. That the actual costs of construction of the principal elements of the proposed jointly financed sanitation project be divided equally between the United States and Mexican Governments. The cost corresponding to the United States, in no case, shall exceed 50 percent of the total cost estimated at \$35 million United States dollars. The costs corresponding to Mexico will be covered in Mexican pesos.

# INTERNATIONAL BOUNDARY AND WATER COMMISSION

## UNITED STATES AND MEXICO

...5

7. That in the event that construction costs exceed the amount in Resolution No. 6, above, the Government of Mexico assure at its expense, completion of construction of all the principal elements described in Exhibit 4 of the Principal Engineers' report.

8. That for the costs of the operation and maintenance of the principal elements of the proposed jointly financed sanitation project described in Exhibit 4 of the Principal Engineers' report, the Commission reach an agreement on the division of these costs before operation of the proposed project begins.

9. That the design, construction and operation and maintenance of the principal elements described in Exhibit 4 of the Principal Engineers' report be under the supervision of the Commission and be under the direct control of the Mexican Section. Also, that the operation and maintenance of the principal elements be in accordance with an operations and maintenance manual and a specific program recommended by the Commission and approved by both Governments.

10. That the Government of Mexico immediately start the construction of the expansion and rehabilitation of the city of Nuevo Laredo, Tam. sewage collection system works, and that the construction schedule proposed by the Government of Mexico, described in Exhibit 6 of the Principal Engineers' report be accepted.

11. That the Commission recognizing that Mexico has initiated works contemplated in this joint sanitation project, Mexico should be given credit for this work towards part of the financing of an international project. That to evaluate these works in order to provide this credit, the engineers of the Commission, immediately but no later than 90 days after the Minute enters into force, should make an evaluation of the works to determine the amount provided by Mexico in the costs associated with the expansion and rehabilitation of the collection system and the works associated as part of the riverside collector performed since 1988 and are part of this international project.

12. That the Governments of the United States and Mexico make arrangements necessary to provide sufficient funds to achieve the construction schedule also described in Exhibit 6 of the Principal Engineers' report, with the understanding that the funds for 1990 and subsequent

# INTERNATIONAL BOUNDARY AND WATER COMMISSION

## UNITED STATES AND MEXICO

...6

years would be provided once each Government, through its appropriate mechanism, appropriates the proposed specific amounts.

13. That the funds provided by the Government of Mexico for this joint sanitation project be utilized primarily in construction of the six principal elements, including the acquisition of required lands and right-of-ways. That the funds provided by the United States Government for this international project be utilized primarily in acquisition of materials and equipment.

14. That to the extent possible, construction of the principal elements described in Exhibit 4 of the Principal Engineers' report be performed by Mexican contractors under the supervision of the Commission, and that the materials and equipment used in the construction of this international project be those manufactured in the United States.

15. That the Mexican Section with approval of the Commission and, in accordance with applicable laws in Mexico, directly administer the funds provided by the United States Government to be utilized in Mexico.

16. That the Commission, through the Mexican Section, be able to contract for professional services using financial or other resources provided by the United States or Mexico. Such services would be for supervision or engineering that the Commission may consider necessary for the proper administration of this project.

17. That the administration by the Mexican Section of United States funds include: a) Development of contracts necessary for construction of facilities, purchase and installation of materials and equipment; b) Review of construction plans, including characterization of treatment plant inflows for compliance with Resolution 3, above; c) Daily supervision by Commission engineers of all the international project works in their execution for compliance with the design approved by the Commissioners; and d) the transfer of United States Government funds for payment to the contractor.

18. That the Commission engineers charged with the supervision of the project, based on the daily supervision in Resolution 17 above, present each month to the Commissioners a detailed progress report of construction and expenditures.

INTERNATIONAL BOUNDARY AND WATER COMMISSION

UNITED STATES AND MEXICO

...7

19. That the Commission, at the end of the construction of each principal element make a joint inspection of the work performed and approve an accounting of United States funds utilized in the construction of that element. Upon completion of construction of the international project the Commissioners shall make a joint inspection of all work performed and approve a final accounting of all United States funds utilized.

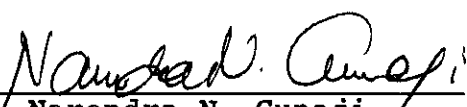
20. That the Government of Mexico require all industries discharging wastewater to the joint sanitation project facilities to provide appropriate pretreatment to assure efficient operation of the proposed treatment plant.

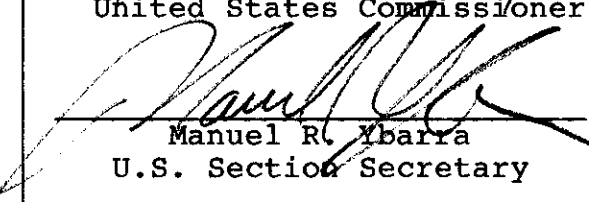
21. That before the start of the construction of the treatment plant proposed for Nuevo Laredo, Tam. the Principal Engineers of the two Sections, jointly develop an appropriate program for monitoring of the water quality in the Rio Grande and discharges to the river for the reach of the river whose quality would be improved by the works proposed in this international sanitation project.

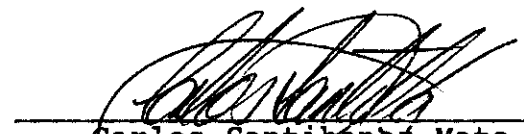
22. That the Governments of the United States and Mexico recognize that Mexico reserves the right to dispose in Mexico all or part of the sewage from Nuevo Laredo, Tam., consistent with the desire of the two Governments, in the context of Minute No. 261 of the Commission, to prevent border sanitation problems. Also, Mexico reserves the right to return for reuse in Mexican territory the effluent from the Nuevo Laredo, Tam. international sewage treatment plant.

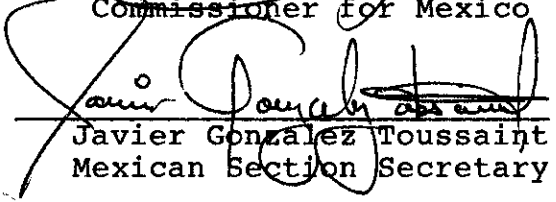
23. That this Minute requires the specific approval of the two Governments.

The meeting was adjourned.

  
Narendra N. Gunaji  
United States Commissioner

  
Manuel R. Ybarra  
U.S. Section Secretary

  
Carlos Santibáñez Mata  
Commissioner for Mexico

  
Javier González Toussaint  
Mexican Section Secretary